

April 29th, 1941

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES
OF THE FORTY-SEVENTH LEGISLATURE:

I have vetoed and I return to you herewith House Bill
No. 286. I have disapproved this bill for the following reasons:

All of the subject matter of this bill which deals
with the purpose of the legislation is included in Section 1, and
I quote Section 1:

"Section 1. That it shall be unlawful for any
employer of labor to make, adopt, or enforce any rule,
regulation, or policy forbidding or preventing any
employee from seeking or holding public office, or
discriminating against any employee called into the
military service of the United States, and it shall
be the duty of such employer, upon fifteen (15) days'
written notice by an employee of his being called into
military service, or of his intention to seek or hold
public office, to grant such employee a leave of absence
without the loss of any contractual and/or seniority
rights to which he was entitled as an employee, for
the duration of said military service, or campaign,
without pay, and if duly elected, or appointed to
public office, for the term thereof, provided that
such employee is not incapacitated during said leave
of absence."

Insofar as employees entering military service is
concerned, this bill does not grant them any rights which they
do not already have, as a matter of fact it restricts the right
of employees going into military service in one particular in that
the provisions of this bill require employees who are called into
military service to give the employer fifteen days' written notice,
whereas under the Federal law governing such employees, they are
not required to give any notice.

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Of course, all of us favor protecting all employees who are called into military service in all of their rights, but this protection has already been granted. Public Resolution No. 96, approved August 27, 1940, and Public Resolution No. 783, approved August 16, 1940, carry among other provisions the following protection for all employees called into military service:

"(1) The employee is not required to give notice to his employer of a call to military service.

"(2) Upon completion of service he must be re-stored to his former employment or similar employment if he makes application within forty days and is still qualified to perform the duties of his position.

"(3) After reemployment he shall not be discharged without cause within one year.

"(4) He shall be considered as having been furloughed or on leave of absence.

"(5) He does not lose seniority.

"(6) He is entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence.

"(7) The United States District Attorney is required by law to act as the employee's attorney in enforcing these rights in the Federal District Court and no fees or court costs shall be charged against the employee in such a suit.

"(8) The District Court may order his employer to compensate him for loss of wages or benefits by reason of his employer's failure to meet the requirements of the Federal law.

"(9) The Director of Selective Service is ordered to establish a personnel division to aid in returning to civil life all persons when they have completed their military service.

"(10) The employee's right to vote in person or by absentee ballot is preserved in the state of his residence in any election in which he is entitled to vote by the laws of his state.

"(11) He is protected from the loss of property and insurance and his family is protected from ejection for non-payment of rent if the court finds that the difficulties of the employee are due to his military service.

"(12) Under provisions of the National Service Life Insurance Act of 1940, he is provided with special government life insurance.

It will be seen, therefore, that all persons entering military service now have every protection which House Bill No. 286 seeks to extend and, in fact, far greater protection than under provisions of House Bill No. 286.

It is not difficult to understand, however, that unless the matter were carefully examined this bill would leave the impression that its object was to grant protection to employees called into military service, but in light of all the facts, it is obvious that it will accomplish no such purpose.

What this bill would do, if enacted into law, would be to require every employer in Texas if he received written notice from an employee that he wanted to become a candidate for public office, to grant that employee a leave of absence for such time as it would be necessary for the employee to make a campaign, and if the employee were elected, to continue such leave for as many years as the employee might be holding public office or be a candidate for some public office, then at the end of this time, to return the employee to his former position without any loss of seniority.

It is obvious that the greatest hardship which this bill would inflict would be on the smallest employers. The bill, however, is indefensible with reference to all employees.

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The fact of the business is that any employee in Texas or any employer in Texas, with the law as it stands today, may become a candidate for public office if he wants to, but if he does become a candidate, he would have to decide to do like the farmer would do if he decided he wanted to be a candidate: he will have to run for the office and if he is elected, fill it, and then go back to the job he left or find a new one. And certainly this is as it should be.

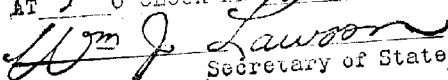
I am in full accord with all of the provisions of the Federal law which grants protection to employees who are called into the military service because these employees have no option in the matter, they are simply answering their country's call and regardless of the salary they now earn, they go on the Government's payroll at \$21.00 per month. But when it comes to writing into the law of this State a provision that any politician who feels the urge to run for public office or to accept an appointment to public office, shall be carried indefinitely on the payroll of his employer and be entitled to have all his seniority rights protected and return to the job when and if he decides to return, is an entirely different question and to my mind such a law would be bad from every standpoint.

Respectfully submitted


Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

THIS 23 DAY OF July 1941
AT 3 O'CLOCK AND 30 MINUTES


Secretary of State